

CONSERVATION COMMISSION  
REGULAR MEETING APRIL 19, 2011  
E. CURTIS AMBLER ROOM

These minutes are not verbatim, but represent a summary of major statements and comments. For minutes verbatim, refer to audiotape on file in the Office of the Town Clerk. Audiotapes are retained for the minimum period required under the retention schedule as provided under Connecticut Law.

Chairman Pappa called the roll call at 7:02 p.m. and noted Commissioner Igielski was present. Also present were Alternates Harlow, Turgeon and Zelek, Mr. Anthony Ferraro, Town Engineer and Mr. Chris Greenlaw, Assistant Town Engineer.

NOTE: Chairman Pappa designated that Alternate Harlow would vote for Commissioner Forte, Alternate Turgeon would vote for Commissioner Longo and Alternate Zelek would vote for Commissioner Byer.

ITEM III  
ACCEPTANCE OF MINUTES

Regular Meeting of March 15, 2011

Mr. Ferraro noted in the middle of Page 3 under ITEM III, two (2) remarks by him in reference to the last renewal date of Permit No.1 should read 2006 not (2001) that is noted in the minutes.

Motion made by Commissioner Igielski to accept the minutes as corrected and was seconded by Alternate Harlow. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

ITEM IV  
PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

ITEM VA  
Application 2011-03, Russell Road North of Old Highway, Map Amendment

Mr. Raymond B. Gradwell, PE, Senior Project Engineer, BL Companies entered the following remarks into the record relative to the request for a Map Amendment:

- A. Property is 73.3 acres in size and contains approximately 7.3 acres of wetlands.
- B. (Referring to the presentation map) he noted that there are three (3) wetlands located on the property, namely; a long narrow linear wetland located in the vicinity of the

westerly ridge line, a wetland located in the middle of the property and a small wetland located in the (north) easterly corner of the property.

C. The Town of Newington Map does not show the easterly wetland.

D. Ms. Cynthia Rabinowitz, soil scientist, Conn Soil LLC, in November 2010 located the wetland boundary limits in the field. The boundary limits were transferred by a land surveyor from the field onto the map being used for the presentation tonight.

Alternate Harlow noted that it appeared the wetland boundary limits from the Town Map did not match up with the boundary limits in the field.

Mr. Gradwell noted that there was a slight shift in the boundary lines (between the Town Map and flagged locations found in the field).

Mr. Ferraro noted the Town Map boundary limits were determined from aerial photo topography, whereas; the applicant's boundary limits were flagged in the field by a soil scientist and transferred to the map by a land surveyor.

Alternate Harlow asked if the applicant would allow Commission members to walk the property prior to next month's meeting?

Attorney Tom Regan, Brown Rudnick LLC, representing the applicant, said he had no opposition to the request in principle but would want to make it part of a site walk and part of the record.

Chairman Pappa asked how significant is the shift (of the wetland boundary limits)? Mr. Gradwell responded the sizes of each wetland is the same and the shift (of each wetland) is slight (referring to the map being used for the presentation). He also noted that the total area of wetlands determined by the soil scientist is 3.8 acres and 3.9 acres determined from the Town Map.

Commissioner Igielski noted that per the Commission's Rules and Regulations, a public hearing is required on the application.

Motion made by Commissioner Igielski that per Section 15.7 of the Town of Newington Inland Wetlands and Watercourses Regulations a public hearing be held on Application 2011-03 (Request for a Map Amendment) on May 17, 2011 at 7:00 p.m. in the Helen Nelson Room, Newington CT. Motion seconded by Alternate Zelek. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

#### ITEM VB

Application 2011-02, Russell Road North of Old Highway

Mr. Raymond B. Gradwell, PE, Senior Project Engineer, BL Companies and representing the applicant (Toll Brothers) entered the following remarks into the record:

- A. Property is 73.3 acres in size and contains approximately 7.3 acres of wetlands.
- B. Referring to a subdivision plan map, he located three (3) wetlands on the property, namely; a long narrow linear wetland located in the vicinity of the westerly ridge line, a wetland located in the middle of the property and a small wetland located in the (north) easterly corner of the property.
- C. The proposed subdivision would be developed under the (Town of Newington) open space subdivision regulations.
- D. The proposed subdivision would contain 71 lots fronting on four (4) roads all ending in cul-de-sacs.
- E. (The storm water management plan would calls for) five (5) retention ponds per (Town) regulations.
- F. There would be 39.25 acres of open space land.
- G. The (existing) ridge line would be protected (as part of the open space land).
- H. Wetland 1 (long narrow wetland) and Wetland 2 (wetland located in middle of property) would be left in place.
- I. Small wetland located in northeasterly corner of property would be removed and filled with 1,700 cubic yards of fill material.

Alternate Zelek asked if any mitigation was planned for the lost wetland? Mr. Gradwell responded not at this time. He noted that enhancements could be used for mitigation.

Alternate Zelek asked if any development activity would take place within a wetland? Mr. Gradwell responded that there would be no construction (activity) within a wetland. Some possible lawn area(s) and berms as shown on plan (could be located in the review area).

Alternate Zelek asked for a review of flow patterns on the property? Mr. Gradwell, using the presentation plan, reviewed the flow patterns (Listen to audio tape for the details of his remarks and following discussion)

Alternate Zelek suggested that a site walk be made as part of the public hearing.

Commissioner Igielski noted there has been a strong public view point on Cedar Mountain in recent newspaper articles.

Motion made by Commissioner Igielski that per Section 9.1 of the Town of Newington Inland Wetlands and Watercourses Regulations a public hearing be held on Application 2011-02 (in the public interest) on May 17, 2011 at 7:00 p.m. in the Helen Nelson Room, Newington CT. Motion seconded by Alternate Harlow. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

#### ITEM VC

Application 2011-04, 665 New Britain Avenue

Mr. Adam Henry, a geologist with GZA, Glastonbury and representing the applicant (Family Trust) entered the following remarks into the record:

- A. The applicant, who is working with DEP, is seeking to install two (2) monitor wells on CL&P property to the west of the rail road tracks.
- B. All activity would occur within the upland review area.
- C. The area contains evasive plant species, which would be removed.
- D. Access to the area would be through a gate on CL&P property.
- E. Hay bales and silt fence would be placed around each work area. It is estimated that the work would be completed in two (2) days. Excess material from the activity would be spread over the area. Some temporary grading would be required to provide access to each work area.

Chairman Pappa asked what is the purpose for installing the wells? Mr. Henry responded to provide evidence of a plume emanating from the site (665 New Britain Avenue). NOTE: The property had housed an aero-space operation)

Commissioner Igielski noted for the record that he is an employee of CL&P. He would participate in the application because he would receive no benefit from the work.

Mr. Henry noted that the applicant has permission from CL&P (to perform the work on CL&P property).

Commissioner Igielski noted that Town Regulation requires that an abutting municipality must be notified if the activity occurs within 500 feet of its boundary line. Has the City of New Britain been notified? Mr. Henry responded no. He would look into the matter to see if notification is required and follow through if needed.

Alternate Harlow asked for how long was the property used for the operation? Mr. Henry responded it was an aero-space operation from the 1940s to the late 1990s. The solvent under study (TCE) was used from the mid to the late 1970s.

Mr. Henry also noted the solvent has been removed from the plant site.

NOTE: The application is being carried over to the May meeting.

ITEM VD

Application 2011-05, 549 Cedar Street

Mr. Pat Haskell, AECOM and representing the applicant (Textron) plans to remediate one or more contaminated area(s) that have been previously found on the property.

Mr. Haskell noted that he had appeared earlier before the Commission for the installation of monitoring wells. Four (4) wells have been installed on the property and one well on private property. The proposal is to remove areas of contaminated material (TGE, a solvent degreaser) from the property. No activity would take place within a wetland area.

Mr. Haskell described the following scope of work:

- A. When the ditch is dry, the material would be removed and be replaced with approved material and stabilized.
- B. An existing fence would be repaired and a gate would be installed for current and future access.
- C. Soil and erosion would include hay bales and silt fence to protect the work area.
- D. The contaminated material would be removed from the property to an approved facility for treatment.

Mr. Haskell noted that all work (over a period of several years) is being done under a voluntary program with DEP.

NOTE: The application is being carried over to the May meeting.

ITEM VI A

Application 2011-01, Replacement of a Pedestrian Bridge in Mill Pond.

Mr. Mark Roming, MR Roming Associates, representing the applicant (Town of Newington) noted that the application addresses the replacement of the existing footbridge located at the south end of Mill Pond and the existing wooden stairway located along the southern side of the Mill Pond natural rock spillway. (NOTE: Refer March 15<sup>th</sup> meeting for details of the proposed scope of work)

Chairman Pappa asked if the application was complete? Mr. Ferraro responded yes.

Motion made by Commissioner Igielski that based on the information before it, the Commission make a finding of fact that a public hearing is not necessary for Application 2011-01 because the proposed activities would not have a major impact or significant effect

on the regulated areas. Motion seconded by Alternate Harlow. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

Mr. Ferraro passed out a list of suggested conditions for consideration by Commission members. There was a general review by Commission members.

Motion made by Commissioner Igielski to grant a permit by Summary Ruling for Application 2011-01 and subject to conditions. Motion was seconded by Alternate Harlow. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

NOTE: Refer to audio tape or "Official Notification of Action" for conditions of the permit.

#### ITEM VI B

Renewal of General Permit Number 1 by the Town of Newington

Mr. Ferraro noted at last month's meeting that he could not locate the original Permit. The Permit, which covered maintenance activities (by Town forces), has since been located and it was issued in 1977. He also noted that the Permit was renewed annually until 1996 when the Commission decided to renew it for a five (5) year period of time. The current Permit runs out in April 2011. There is currently a request (by the Town) for a new five year extension.

Mr. Ferraro noted that the Administrative Officer would report to the Commission of any activity at the (Commission's) monthly meeting.

Alternate Harlow noted at last month's meeting, there was an activity that had gotten out of hand and had submitted photos to show the scope of work that had been actually done in the field.

Alternate Harlow suggested that language be added to the permit that would not allow this type of work to be done in the future as a maintenance activity.

Chairman Pappa noted that the Commission at any time can issue a "Cease and Desist Order" to stop work to any party including the Town of Newington

Alternate Harlow noted that in the activity under discussion was done without permission from the Administrative Officer. (Listen to audio tape for details of discussion among Commission members)

Alternate Harlow noted that the activity started out as an Eagle Scout project through the Parks and Recreation Department. The Police Department was brought into the picture to address a safety concern relating to the removal of brush adjacent to the work area. The Administrative Officer was not notified until substantial work had been done.

Chairman Pappa noted the suggestion from Alternate Harlow that language be incorporated into the Permit to address the above situation (activity that started out as an Eagle Scout project).

Chairman Pappa said he is looking to pass the request to extend the Permit tonight. Language to address the activity under discussion tonight could be addressed at a future meeting.

Alternate Zelek noted that we (Commission) have to act tonight because the current Permit expires this month and we have something under discussion that can be looked into at a later date and (if it warrants future action, the Permit) can be adjusted at a later date.

NOTE” There was a general discussion among Commission members on Alternate Zelek’s suggestion (listen to audio tape for the details of the discussion).

Motion made by Commissioner Igielski to re-issue General Permit No. 1 for a period of five (5) years starting tonight and was seconded by Alternate Zelek. There was no discussion. Vote was 5 yes, 0 no and the motion was carried.

#### ITEM VII

PUBLIC PARTICIPATION ON NON-AGENDA ITEMS: NONE

#### ITEM VIII

COMMUNICATIONS AND REPORTS

Mr. Ferraro noted that he received from the Town Planner an application package for a zone change for the land parcel to the south (of Old Highway). The property heard under Applications 2011-02 and 2011-3 abuts Old Highway to the north. He passed out a copy of proposed zone change package to each Commission member and noted the Commission has no involvement in the matter.

Motion made by Commissioner Igielski to adjourn meeting at 8:15 p.m. and was seconded by Alternate Zelek. There was no discussion. Vote was 5 yes, 0 no and motion was carried.

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Peter M. Arburr, Recording Secretary

Commission Members

Tayna Lane, Town Clerk

Town Manager John Salamone

Edmund Meehan, Town Planner

Councilor Myra Cohen

Chairperson, Town Plan and Zoning

Ben Ancona Jr., Town Attorney

Anthony Ferraro, Town Engineer

Lucy Robbins Wells Library (2)